

FIFTY-FIFTH DAY

(Continued)

(Thursday, June 9, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Senate Joint Resolution 1 with House Amendments

The Senate resumed consideration of unfinished business, same being the motion of Senator Kelley of Hidalgo to call for consideration the motion to reconsider the vote by which the Senate refused to concur in House amendments to S. J. R. No. 1.

Question—Shall the motion to reconsider prevail?

The motion prevailed by the following vote:

Yeas—19

Aikin	Lock
Bell	Martin
Bracewell	Moore
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	

Nays—10

Ashley	Hudson
Bullock	McDonald
Cousins	Morris
Hardeman	Vick
Harris	Weinert

Absent

Hazlewood	Moffett
-----------	---------

Question—Shall the Senate concur in House amendments to the bill?

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 9, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has passed the following:

S. C. R. No. 51, Granting Mrs. M. L. Parker, Jr., and husband, M. L. Parker, Jr., permission to sue the State of Texas and the University of Texas.

S. C. R. No. 55, Granting John J. Bush of Pecos, Texas, permission to sue the State of Texas and the Commissioner of the General Land Office of the State of Texas.

S. C. R. No. 56, Granting Ralph O. Wright permission to sue the State of Texas.

June 9, 1949. The House has adopted the Conference Committee report on H. J. R. No. 22 by a vote of 119 yeas, 0 nays.

H. C. R. No. 135, Granting each House permission to adjourn from Thursday, June 9, 1949, to Monday, June 13, 1949.

H. C. R. No. 132, Authorizing the Brazos River Conservation and Reclamation District to file a suit against Texas State Parks Board for adjudication of title to certain lands situated in Palo Pinto County, Texas.

The House has concurred in Senate amendments to House Bill No. 93 by vote of 115 yeas, 1 nay.

The House has concurred in Senate amendments to H. J. R. No. 38 by vote of 119 yeas, 0 nays.

The House has concurred in Senate amendments to H. J. R. No. 19 by vote of 116 yeas, 1 nay.

The House has concurred in Senate amendments to H. C. R. No. 35 by viva voce.

The House has adopted the conference committee report on S. C. R. No. 58 by viva voce.

S. B. No. 426, A bill to be entitled "An Act to amend Article 5139, Revised Civil Statutes of Texas, 1925, as amended, the last amendment being House Bill 257, Acts of the 50th Legislature, 1947, Chapter 326, page 560, (relative to County Juvenile Boards in certain counties) so as to provide for compensation of all members of Juvenile Boards in counties having a population of 100,000 or over; and declaring an emergency."

H. B. No. 891, A bill to be entitled "An Act amending Section 6 of Article 2647 of the R. C. S. of 1925, as amended, so as to provide for payment of Ten Dollars (\$10) per day to the members of the Board of Regents of the State Teachers' Colleges of Texas while attending meetings of such Board as provided by law; and declaring an emergency."

H. B. No. 957, A bill to be entitled "An Act fixing the salaries of the sheriff and deputy sheriffs in certain counties; repealing all laws to the extent of the conflict; and declaring an emergency."

H. B. No. 965, A bill to be entitled "An Act authorizing cities having a population in excess of 200,000 to transfer to their general fund and use for general or special city purposes such part of the revenues of any city-owned utility system as authorized or permitted in the indenture, deed of trust, or ordinance providing for and securing payment of revenue bonds issued under Articles 1111-1118, Revised Statutes, as amended; and declaring an emergency."

S. B. No. 473, A bill to be entitled "An Act authorizing the State Board of Control to grant to the City of San Antonio an easement for sewerage purposes across certain land owned by the State of Texas and occupied by the San Antonio State Hospital; and declaring an emergency."

S. B. No. 480, A bill to be entitled "An Act creating one additional district court for Dallas County; defining its jurisdiction; and declaring an emergency."

S. B. No. 483, A bill to be entitled "An Act to amend Article 1154 of the Revised Civil Statutes of Texas, 1925, to provide that cities and towns which have adopted a commission form of government may adopt an aldermanic or other lawful form of government at an election under the procedure for adoption of commission form of government; and declaring an emergency."

S. B. No. 491, A bill to be entitled "An Act to create Road District Number 18, Jackson County, Texas, and specifically setting out its boundaries;

etc., and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 135

The President laid before the Senate for consideration at this time:

H. C. R. No. 135, Granting each House permission to adjourn from Thursday, June 9, 1949, until Monday, June 13, 1949.

The resolution was read and was adopted.

House Concurrent Resolution on First Reading

The following resolution, received from the House, was laid before the Senate, read first time and referred to the committee indicated:

H. C. R. No. 132, to Committee on Civil Jurisprudence.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

S. C. R. No. 51, Granting Mrs. M. L. Parker, Jr., permission to sue the State.

S. C. R. No. 66, Expressing appreciation to the citizens of Dramont and San Raphael for a monument erected in honor of the combat units of the Thirty-Sixth Division.

S. C. R. No. 67, Suspending the Joint Rules to permit the House to consider H. J. R. No. 43 on Wednesday, June 8, 1949, or Thursday, June 9, 1949.

S. C. R. No. 69, Suspending the Joint Rules to permit the House to consider a House Bill on Wednesday, June 8, 1949, or Thursday, June 9, 1949.

S. C. R. No. 56, Granting Ralph O. Wright permission to sue the State.

S. B. No. 426, A bill to be entitled "An Act to amend Article 5139, Revised Civil Statutes of Texas, 1925, as amended, the last amendment being House Bill 257, Acts of the 50th Legislature, 1947, Chapter 326, page 560,

(relative to County Juvenile Boards in certain counties) so as to provide for compensation of all members of Juvenile Boards in counties having a population of 100,000 or over; and declaring an emergency."

H. B. No. 93, A bill to be entitled "An Act amending Section 4 of Senate Bill No. 44, of the 48th Legislature, 1943, page 313, Chapter 204, by providing that in counties having only one district court and having a juvenile board, such board shall designate the county or district court of such county as the Juvenile Court for said county, and in all other counties having only one district court, but no juvenile board, the County Judge and the District Judge of such county shall designate the county or district court of such county as the Juvenile Court; etc., and declaring an emergency."

H. B. No. 966, A bill to be entitled "An Act amending H. B. No. 47, passed by the Fifty-first Legislature, creating the 105th Judicial District and 105th District Court in Kleberg, Nueces and Kenedy Counties, and declaring an emergency."

Committee Substitute House Joint Resolution 32 on Second Reading

On motion of Senator Bracewell, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. J. R. No. 32, Proposing an amendment to Article I of the Constitution of the State of Texas, by adding thereto another section following Section 15, providing that the right to jury trial in lunacy cases shall be the same as in ordinary civil cases, and further providing for waiver of a jury trial; further providing for the submission of this amendment to the voters of this State; prescribing the form of ballot; providing for the proclamation and publication thereof; and providing for the necessary appropriation to defray the necessary expenses for the submission of this amendment.

The resolution was read second time.

(Senator Aikin in the Chair)

Senator Martin offered the following amendment to the resolution:

Amend C. S. H. J. R. No. 32 by striking out lines 27 through 39 and substituting the following:

"Section 15-A. Provided, however, that the legislature may provide for the commitment of mentally ill persons, not charged with a criminal offense, by order of the county court, without the necessity of a trial by jury."

The amendment was adopted.

Senator Martin offered the following amendment to the resolution:

Amend C. S. H. J. R. No. 32 by striking out lines 40 to the period on line 52, and substituting the following:

"Sec. 2. The foregoing Constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the fourth Saturday in September, A.D., 1949, at which election all ballots shall have printed thereon:

"'FOR the amendment to the Constitution of the State of Texas providing for the commitment of the mentally ill without the necessity of a trial by jury', and

"'AGAINST the amendment to the Constitution of the State of Texas providing for the commitment of the mentally ill without the necessity of a trial by jury'."

The amendment was adopted.

On motion of Senator Bracewell and by unanimous consent, the caption was amended to conform with the body of the resolution as amended.

The resolution was passed to third reading.

Committee Substitute House Joint Resolution 32 on Third Reading

Senator Bracewell moved that the Senate rule requiring Joint Resolutions to be read on three several days be suspended and that C. S. H. J. R.

No. 32 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Carney	Hazlewood
Cousins	

The Presiding Officer then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Absent

Cousins	Hazlewood
---------	-----------

Co-Author of Senate Concurrent Resolution 62

Senator Morris asked unanimous consent to be shown as co-author of S. C. R. No. 62.

There was no objection offered.

Hour for Executive Session

On motion of Senator Strauss and by unanimous consent, the Senate agreed to hold an executive session at 11:45 o'clock a.m. today.

(President in the Chair)

Senate Concurrent Resolution 70

Senator McDonald offered the following resolution:

S. C. R. No. 70, Recalling S. B. No. 36 from the Governor's office for further consideration.

Whereas, Senate Bill No. 36 has passed both the House of Representatives and the Senate; and

Whereas, An error was made in setting the bracket figures for Senate Bill No. 36; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the Governor be, and he is hereby, requested to return to the Senate, Senate Bill No. 36 for further consideration; and be it further

Resolved, That when said Senate Bill is returned that the action of the Speaker and the President of the Senate in signing said bill be declared null and void, and that the Speaker of the House and the President of the Senate erase their names from the enrolled bill.

The resolution was read.

On motion of Senator McDonald, and by unanimous consent, the resolution was considered immediately and was adopted.

Presentation of Roy T. Lee

The President announced that Roy T. Lee of Baytown, Texas, who was on yesterday, elected Lieutenant Governor of Boys' State, was the guest of the Senate and presented him to the Senate.

Lieutenant Governor Lee then addressed the Senate briefly and expressed appreciation to them for the courtesy shown him.

Executive Session

At 11:45 o'clock a.m., the Presi-

dent announced that the hour previously agreed upon for an executive session had arrived.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be a Member of the Board of Trustees, Texas Municipal Retirement System, for a term to expire December 31, 1954:

Corna Nelson of Port Arthur, Jefferson County.

To be Members of the Central Colorado River Authority for terms to expire January 1, 1955:

Cal Averett of Coleman, Coleman County; George Pauley of Valera, Coleman County; H. E. Evans of Talpa, Coleman County.

To be Members of the State Board of Nurse Examiners for terms to expire April 9, 1955:

Sister Catherine Elizabeth of Fort Worth, Tarrant County; Miss Frances Brush of Temple, Bell County.

To be Directors of San Antonio River Canal and Conservancy District for terms to expire May 5, 1955:

W. B. Tuttle of San Antonio, Bexar County; John Weber of Goliad, Goliad County.

To be Pecos River Compact Commissioner for term to expire May 5, 1955:

Charles H. Miller of Barstow, Ward County.

In Legislative Session

The President called the Senate to order as in legislative session at 12:00 o'clock m. today.

Communication from Major General H. Miller Ainsworth

On motion of Senator Aikin and

by unanimous consent, the following communication was ordered printed in the Journal.

June 5, 1949.

Honorable Allan Shivers,
Lieutenant Governor of Texas,
Austin, Texas.

You and the members of the Senate and ladies are cordially invited to attend the Thirty-Sixth Division Governor's Day review and ceremonies at North Camp Hood, Texas (near Gatesville) on Saturday, June eleventh. Review will be at ten a.m., and reception at four-thirty p.m. and dance at nine p.m. at Officers' Club, North Camp Hood.

H. Miller Ainsworth,
Major General, Commanding
Thirty-Sixth Infantry Division

Senate Bill 438 with House Amendments

Senator Aikin called S. B. No. 438 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Aikin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

Nays—1

Lane

Absent

Weinert

Motion to Recess

Senator Carney moved that the Senate recess until 10:30 o'clock a.m. Monday, June 13, 1949.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—14

Ashley	Hudson
Bullock	Kelly of Tarrant
Carney	Lock
Colson	Moffett
Cousins	Phillips
Hardeman	Shofner
Harris	Strauss

Nays—16

Aikin	Martin
Bell	McDonald
Bracewell	Moore
Corbin	Morris
Hazlewood	Proffer
Jones	Taylor
Kelley of Hidalgo	Tynan
Lane	Vick

Absent

Weinert

House Bill 37 on Second Reading

Senator Harris moved to suspend the regular order of business to take up House Bill No. 37 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lane
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Bullock	Morris
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Harris	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Vick

Nays—6

Cousins	Jones
Hardeman	Lock
Hudson	Tynan

Absent

Hazlewood	Weinert
McDonald	

The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 37, A bill to be entitled "An Act to provide a general registration system for voters at all elections; creating Boards of Registrars in cities containing a population of 10,000 inhabitants or more; providing that the County Clerk shall be the Registrar of Voters in the part of the county outside such cities and in counties not containing a city of 10,000 inhabitants or more; etc., and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to third reading?

Adjournment

Senator Harris moved that the Senate recess to 2:30 o'clock p.m. today.

Senator Moffett moved that the Senate adjourn until 10:15 o'clock a.m. Monday, June 13, 1949.

Question first recurring on the motion of Senator Moffett, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—15

Ashley	Lock
Bullock	Moffett
Carney	Shofner
Colson	Strauss
Cousins	Taylor
Hardeman	Tynan
Hudson	Vick
Kelly of Tarrant	

Nays—14

Aikin	Lane
Bell	Martin
Bracewell	McDonald
Corbin	Moore
Harris	Morris
Jones	Phillips
Kelley of Hidalgo	Proffer

Absent

Hazlewood	Weinert
-----------	---------

The Senate accordingly at 12:30 o'clock p.m., adjourned until 10:15 o'clock a.m. Monday, June 13, 1949.

In Memory of
Honorable E. G. Palmer

The President laid before the Senate for consideration at this time:

(House Concurrent Resolution 130)

Whereas, God in His infinite wisdom did call from his earthly ranks the Honorable E. G. Palmer of Normangee, Leon County, Texas, at the age of seventy years; and

Whereas, Mr. Palmer was born in Mississippi, came to Texas in 1886 and settled on the western edge of what was then known as Rogers Prairie. He assisted his father in operating a gin and grist mill. He later entered the mercantile business with his father, which business he was operating at the time of his death; and

Whereas, He was elected as State Representative from Madison and Leon Counties, and served until 1939. He was sponsor of the chain store tax bill. His interests centered around efforts toward state parks and highways. During this period he was successful in securing completion of the effort to have the old San Antonio Road made a State Highway. He served as a member of the committee on the Big Bend State Park; and

Whereas, Since 1907, he has devoted himself to the town of Normangee and its interests and the welfare of Leon and Madison Counties. He organized the Chamber of Commerce of Normangee ten (10) years ago and served as first president. Mr. Palmer was a member of the Methodist Church, a member of the Masonic Lodge, K. of P. Lodge, and the W. O. W.; and

Whereas, He is survived by his wife, Mrs. Edna Palmer; six daughters, Mrs. Merle Wilson, Mrs. Jim Martin, Mrs. Cathryn Taylor, Mrs. Jean Parsons all of Houston; Mrs. Wilma Closs of Port Neches and Mrs. Jac Turner of Mobile, Alabama; three sisters, Mrs. Tommie Ward, Mrs. J. M. Hunt and Miss Lulu Palmer all of Normangee; and

Whereas, For the reasons given, therefore, and as it is the Legislature's custom to celebrate the lives of men who have played an outstanding role in the development of the State of Texas, therefore, be it

Resolved, by the House of Representatives of the Fifty-first Legislature of Texas, the Senate concurring, That we express our deepest sympathy to the many friends and the family of the deceased, and that copies of this resolution be sent to members of his family; and be it further

Resolved, That a page of the House Journal of today be dedicated to the memory of the Honorable E. G. Palmer and that when the House adjourns today it do so out of respect to this noble Texan.

The resolution was read and was adopted.